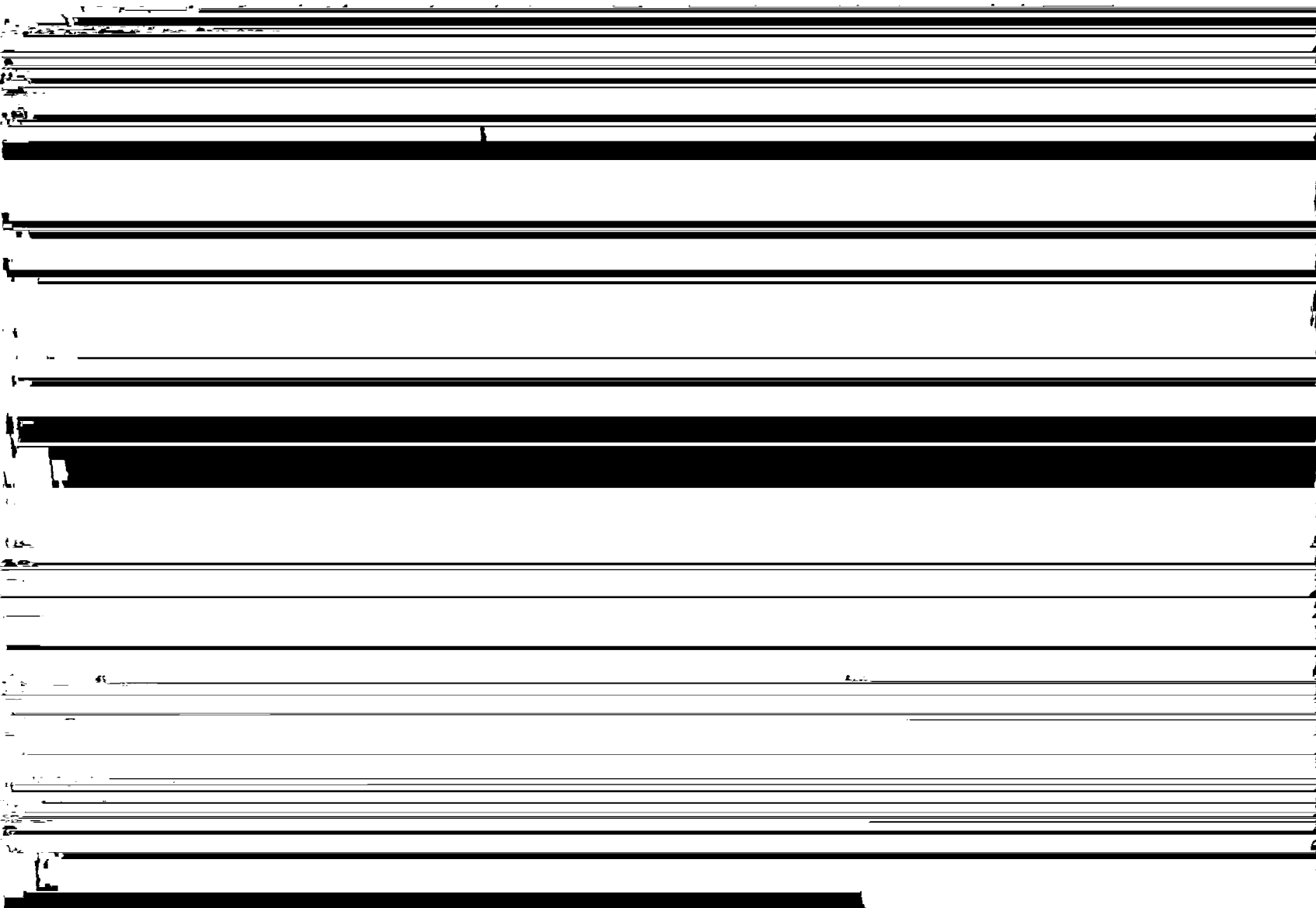


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manuscript finished and getting it right. It is always possible to do both."¹

The NTCs are mindful of the demands placed upon the Commission's resources by the Cable Television Consumer Protection and Competition Act of 1992.² However, although cable home wiring rules were finished in a timely fashion, even



categories, and that different rules for subscriber control should apply to each category. Where there are active electronics located in the multiple unit premises, the NTCs proposed that the subscriber's control should extend only to the point at which unpowered coaxial cable begins. This point may be located on the roof, in the basement, or on the floor if powered vertical coaxial cable exists. Where there are not active electronics located in the multiple unit premises, the NTCs proposed that the subscriber's control of cable home wiring should extend to the grounding block or, if there is no grounding block, to an interface point established on the exterior of the multiple unit premises.⁴

The Commission rejected these proposals, however, and adopted rules establishing the demarcation point in multiple unit installations "twelve inches outside of where the cable wire enters the subscriber's dwelling unit."⁵ The effect of the Commission's rules is actually anti-competitive.

~~Competition in multiple unit installations is fostered~~

duplicate the wiring to that subscriber at a cost that would undoubtedly deter the subscriber from selecting the new cable services. In fact, in some multiple unit installations, space limitations could make such duplication of wiring prohibitively expensive or impossible as a practical matter.

The Commission's new rules essentially deny the benefits of competition to subscribers in multiple unit premises by perpetuating unnecessary barriers to the use of cable home wiring. The rules should therefore be reconsidered in light of this anti-competitive effect, and the NTCs' proposals for location of the demarcation point in multiple unit installations should be adopted.

II. "LOOP THROUGH" CONFIGURED CABLE HOME WIRING SHOULD BE TREATED IN A WAY THAT FOSTERS COMPETITION AND PREVENTS CABLE SERVICES PROVIDERS FROM EVADING COMMISSION RULES.

The NTCs recognize that, in some multiple unit installations, multiple subscribers may share the use of unpowered coaxial cable. The NTCs proposed that unpowered cable used by more than one subscriber should be controlled by the multiple unit premises owner. The reason for this proposal

was that competitive objectives would be better served by

configurations based upon common use of unpowered coaxial cable.⁶

The Commission rejected the NTCs' proposals, and adopted rules that both exclude "loop through" configurations and fail to proscribe use of such configurations in future multiple unit installations. As a result, cable services providers can effectively prevent competition not only in existing multiple unit installations wired in "loop through" configurations, but in new installations as well.

The NTCs urge the Commission to reconsider its decisions regarding "loop through" configurations. In addition to the anticompetitive effect of those decisions upon existing "loop through" configurations, those decisions create the means by which a cable services provider may altogether avoid application of the rules by using such configurations in future installations.

III. CABLE HOME WIRING RULES SHOULD APPLY UPON INSTALLATION.

The NTCs urged the Commission to adopt rules allowing the subscriber to control cable home wiring immediately upon installation.⁷ The Commission, however, decided to defer subscriber control until termination of service.

The NTCs again point out that subscriber control of cable home wiring must begin immediately upon installation in

⁶ See Reply Comments of the NYNEX Telephone Companies, dated December 15, 1992, p. 3.

⁷ See Comments of the NYNEX Telephone Companies, dated December 1, 1992, p. 4.

order to achieve the Commission's objective of fostering competition and consumer choice. Even if cable service provided by the installer has not been terminated, a subscriber could obtain additional services from other providers through simultaneous use of spare capacity of the wiring. Foreclosing a subscriber from exercising this option not only impedes competition, but the efficient deployment of new services as well. The NTCs therefore request that the Commission reconsider its decision to apply its rules only upon termination.

IV. CONCLUSION

For the foregoing reasons, the NTCs respectfully request that the Commission reconsider its Order and amend its rules as proposed above.

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